

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: March 7, 2019  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 19-701-00001 – Property located at 1501 Crescent Drive, Control Map 46N, Group B, Parcel 08.00**, requests a 5 foot 10 inch side yard variance to Sec 114-182(e)1(d)1 for a home addition. The property is zoned R-1A, Residential District.

***INTERESTED PARTIES:***

Owner: Mark Plemmons  
1501 Crescent Dr.  
Kingsport, TN 37664  
423.367.0796

Representative: Shannon Southerland

**Case: 19-701-00002 – Property located at 2401 N John B Dennis Highway, Control Map 47, Parcel 019.00**, requests a 14 square foot variance to Sec 114-536(2) and a 9 foot height variance to Sec 114-536(3) for a new freestanding sign . The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Christian Life Center  
2401 N John B Dennis Highway  
Kingsport, TN 37660  
423.288.2211

Representative: Pastor Eddie Johnson

**Case: 19-701-00003 – Property located at 737 and 741 Forest Street, Control Map 46O, Group G, Parcels 065.00 and 066.00**, requests a 1,695 square foot variance and a 186 square foot variance to minimum lot size to Sec 114-183(e)1(a) for the purposes of subdividing the property. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Peggy Ham  
701 Forest Street  
Kingsport, TN 37660

423.723.7052

Representative: Peggy Ham

**Case: 19-701-00004 – Property located at 1757 Buckingham Court, Control Map 47G, Group E, Parcel 026.00**, requests a 16 foot side yard variance to Sec 114-133(2) for the purpose of locating a swimming pool. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Leah Moon  
1757 Buckingham Court  
Kingsport, TN 37660  
423.202.1809

Representative: Josh Haynie

**Case: 19-701-00005 – Property located at 4345 Fort Henry Drive, Control Map 92K, Group A, Parcels 001.00 and 001.04**, requests a 37.5 square foot freestanding sign variance to Sec 114-194(8)a(1); a variance to permit two freestanding signs on one parcel via parcel combination to Sec 114-194(8)a; and a continuation of a nonconforming freestanding sign to Sec 114-531(b). The property is zoned B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner: Ingles Markets, Inc.  
2913 Hwy 70 West  
Black Mountain, NC 28711  
828.669.2941

Representative: Craig Inabinett, Rainbow Signs

**BUSINESS:**

**Approval of the January 3, 2019 driving tour and regular meeting minutes.**

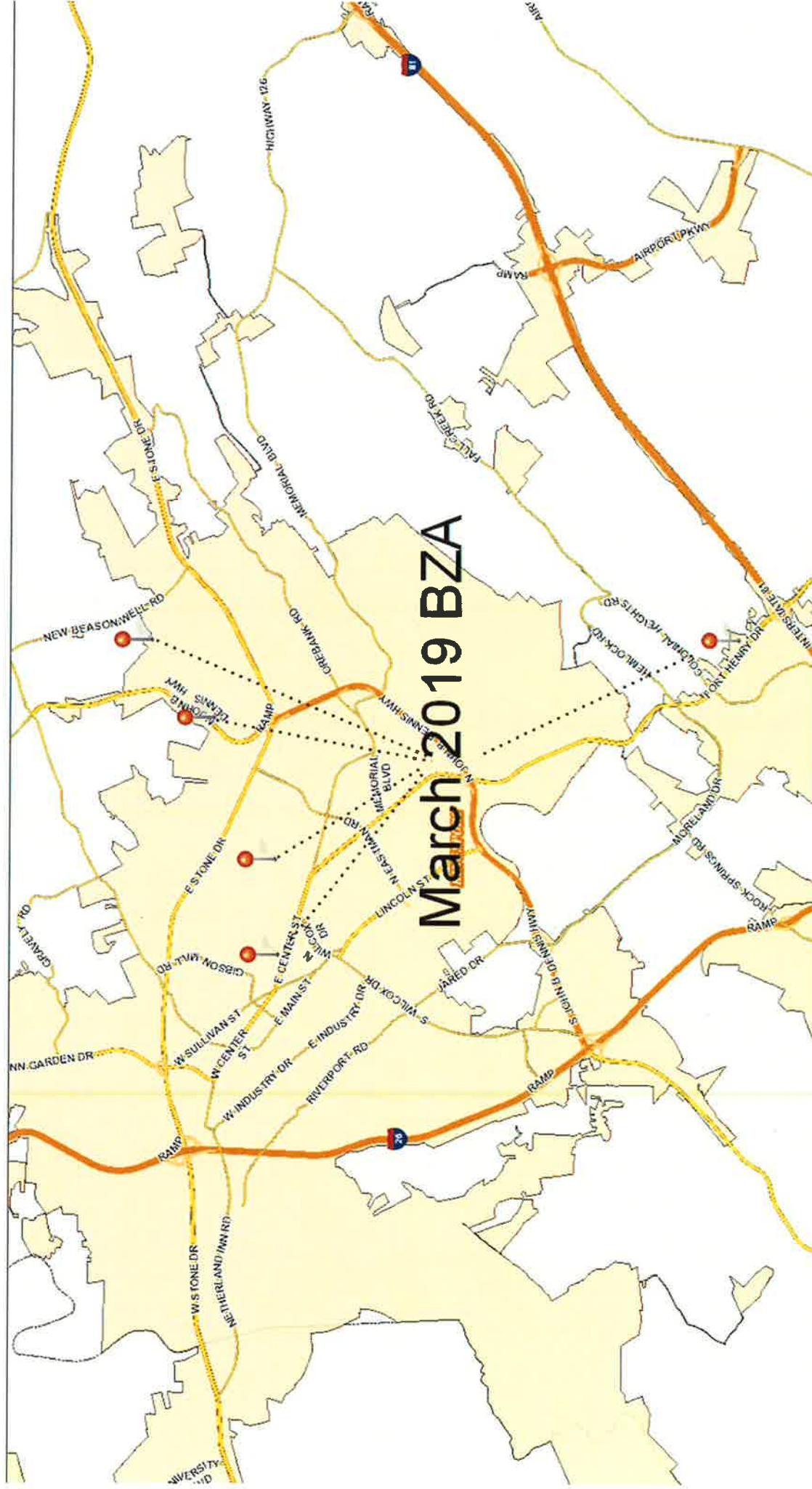
**Stating for public record, the next application deadline is March 15, 2019 at noon, and meeting date (Thursday, April 4, 2019).**

**Approval of the December 6, 2018 Court Reporter's Excerpt of Board's Decision Motion to Dismiss.**

**Review of accessory structure zoning text amendment.**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**



REGULAR MEETING  
& PUBLIC HEARING  
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, March 7, 2019 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the properties will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following cases:

**Case: 19-701-00001 – Property located at 1501 Crescent Drive, Control Map 46N, Group B, Parcel 08.00,** requests a 5 foot 10 inch side yard variance to Sec 114-182(e)1(d)1 for a home addition. The property is zoned R-1A, Residential District.

**Case: 19-701-00002 – Property located at 2401 N John B Dennis Highway, Control Map 47, Parcel 019.00,** requests a 14 square foot variance to Sec 114-536(2) and a 9 foot height variance to Sec 114-536(3) for a new freestanding sign . The property is zoned R-1B, Residential District.

**Case: 19-701-00003 – Property located at 737 and 741 Forest Street, Control Map 46O, Group G, Parcels 065.00 and 066.00,** requests a 1,695 square foot variance and a 186 square foot variance to minimum lot size to Sec 114-183(e)1(a) for the purposes of subdividing the property. The property is zoned R-1B, Residential District.

**Case: 19-701-00004 – Property located at 1757 Buckingham Court, Control Map 47G, Group E, Parcel 026.00,** requests a 16 foot side yard variance to Sec 114-133(2) for the purpose of locating a swimming pool. The property is zoned R-1B, Residential District.

**Case: 19-701-00005 – Property located at 4345 Fort Henry Drive, Control Map 92K, Group A, Parcels 001.00 and 001.04,** requests a 37.5 square foot freestanding sign variance to Sec 114-194(8)a(1); a variance to permit two freestanding signs on one parcel via parcel combination to Sec 114-194(8)a; and a continuation of a nonconforming freestanding sign to Sec 114-531(b). The property is zoned B-3, Highway Oriented Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee  
Jim Deming, City Recorder  
P1T: 2/26/19

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: 1501 Crescent Dr

The Board is asked to consider the following request:

**Case: 19-701-00001 – Property located at 1501 Crescent Drive, Control Map 46N, Group B, Parcel 08.00**, requests a 5 foot 10 inch side yard variance to Sec 114-182(e)1(d)1 for a home addition. The property is zoned R-1A, Residential District.



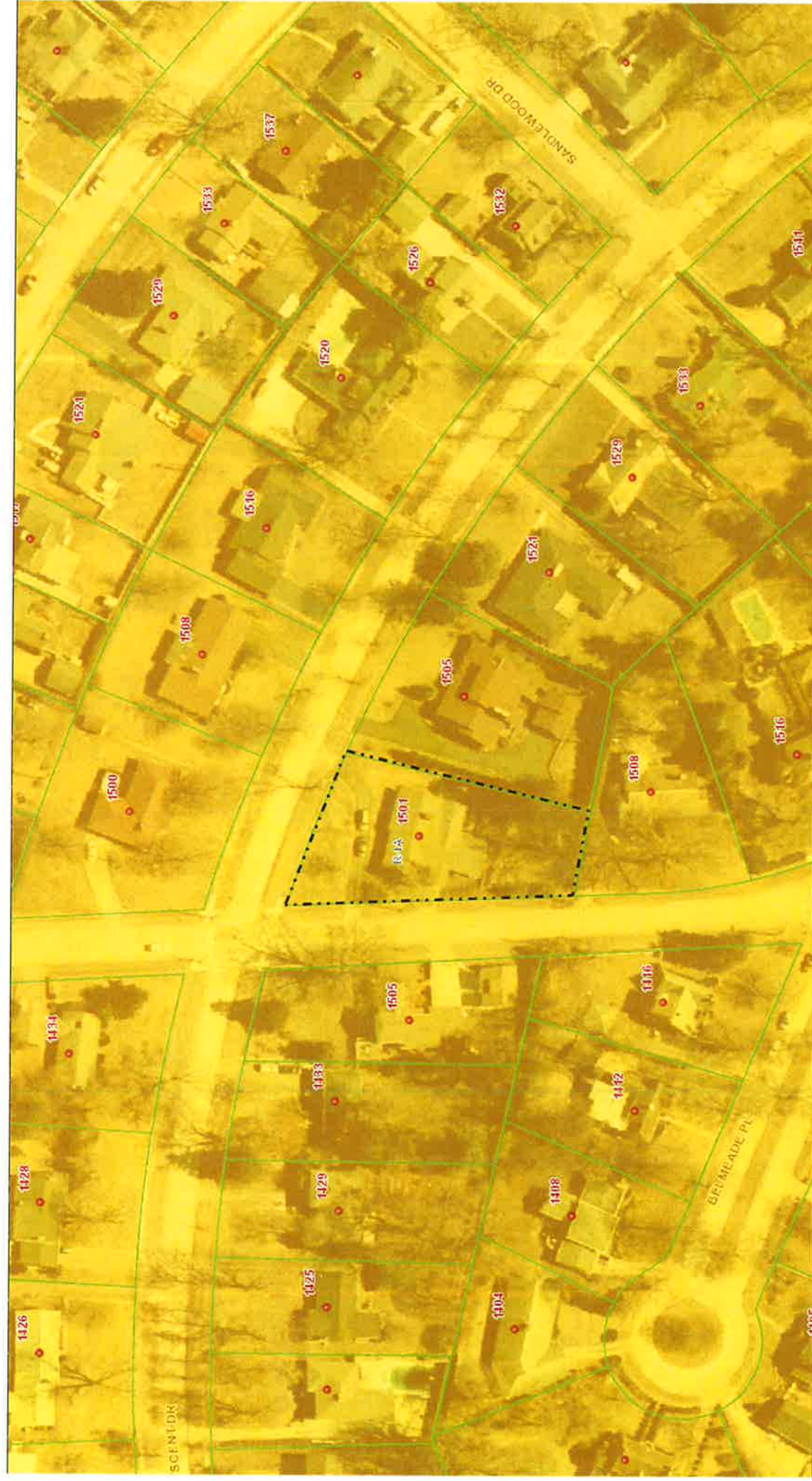
This is an aerial map of a residential neighborhood. The map displays property boundaries outlined in yellow. Numerous houses are visible, each marked with a red dot and a numerical address label. The map is oriented with North at the top. Key streets include Sandeewood Dr, Belmeade Pl, and Ascension. The map shows a grid of streets with houses and trees. The map is oriented with North at the top.

## Addresses

Sullivan Co Parcel Data



# ArcGIS Web Map



1/20/91: 18:15 FM

**Addressee**

Sullivan Co Parcel Data

Zarina

100

1. 2. 3.

Fig. 1

10

500

3

413



# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name Plemmons First Mark M.I. C Date 2/5/2018  
Street Address 1501 Crescent Drive Apartment/Unit #  
City Kingsport State TN ZIP 37664-2037  
Phone (423) 367-0796 E-mail Address mcplemmons@yahoo.com

## PROPERTY INFORMATION:

Tax Map Information Tax map: 046N Group: B Parcel: 008.0 Lot:  
Street Address 1501 Crescent Dr Apartment/Unit #  
Current Zone R1 Proposed Zone  
Current Use R1 Proposed Use

## REPRESENTATIVE INFORMATION:

Last Name Southerland First Shannon M.I. E Date 2/5/2018  
Street Address 2002 Brookside Lane Apartment/Unit # F  
City Kingsport State TN ZIP 37660  
Phone (423) 384-4727 E-mail Address info@southerlandconst.com

## REQUESTED ACTION:

**We propose to construct a covered screened porch on the east side of the existing house (plans attached). We are seeking a variance on side setback.**

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

Date:

2/8/19

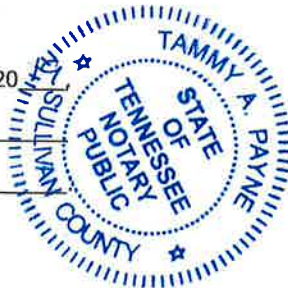
Signed before me on this 8<sup>th</sup> day of February, 20

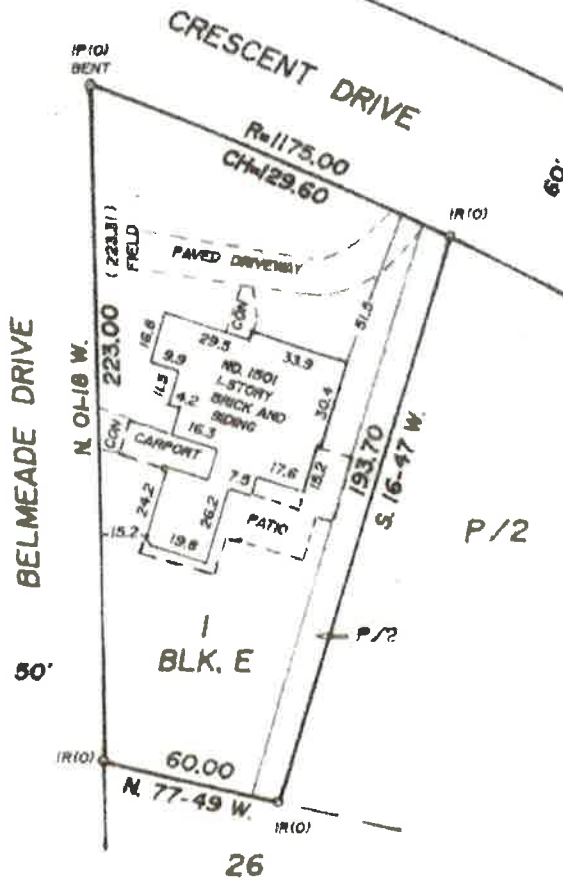
a notary public for the State of Tennessee

County of Sullivan

Notary Tammy A. Payne

My Commission Expires July 16, 2021





This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the subject ~~lot~~ (is not) located in a special flood hazard area.

I hereby certify that this survey has been made using the latest recorded deed and other information furnished by the Title Attorney that there are no encroachments or projections other than those shown; and that the survey is correct to the best of my knowledge and belief.

**ALLEY & ASSOCIATES, INC.**

243 East Market Street  
Kingsport, Tennessee 37660

MAP OF Lot 1 and Part of Lot 2, Block E, Fairacres

OWNER: Mark C. Plemmons and Kimberly R. Plemmons

CIVIL DISTRICT 11th COUNTY Sullivan

STATE Tennessee T.M. 46-M "B" Par. 8

SCALE 1 INCH = 60 FEET DATE June 18, 2007

REFERENCE: Plat Book 6, Page 23-B

07-7930L FB/PG: 606/15

FOR: Wells Fargo Bank, N.A.





# SCREENEZE

Patented Screen Mesh With UV Inhibitor

## SPECS

- PVC Vinyl Cap made of window grade virgin vinyl with UV inhibitor
- Aluminum base made of solid Aluminum alloy
- Baked on polyester paint or powder coated
- Color coordinated screws included
- Available in 8' & 12' lengths
- Made in the USA

Sand



Aluminum Base Channel  
(3/4" X 3/4", 8' or 12' in length)

Corner Mount



Vinyl Cap  
(3/8" X 1/2", 8' or 12' in length)

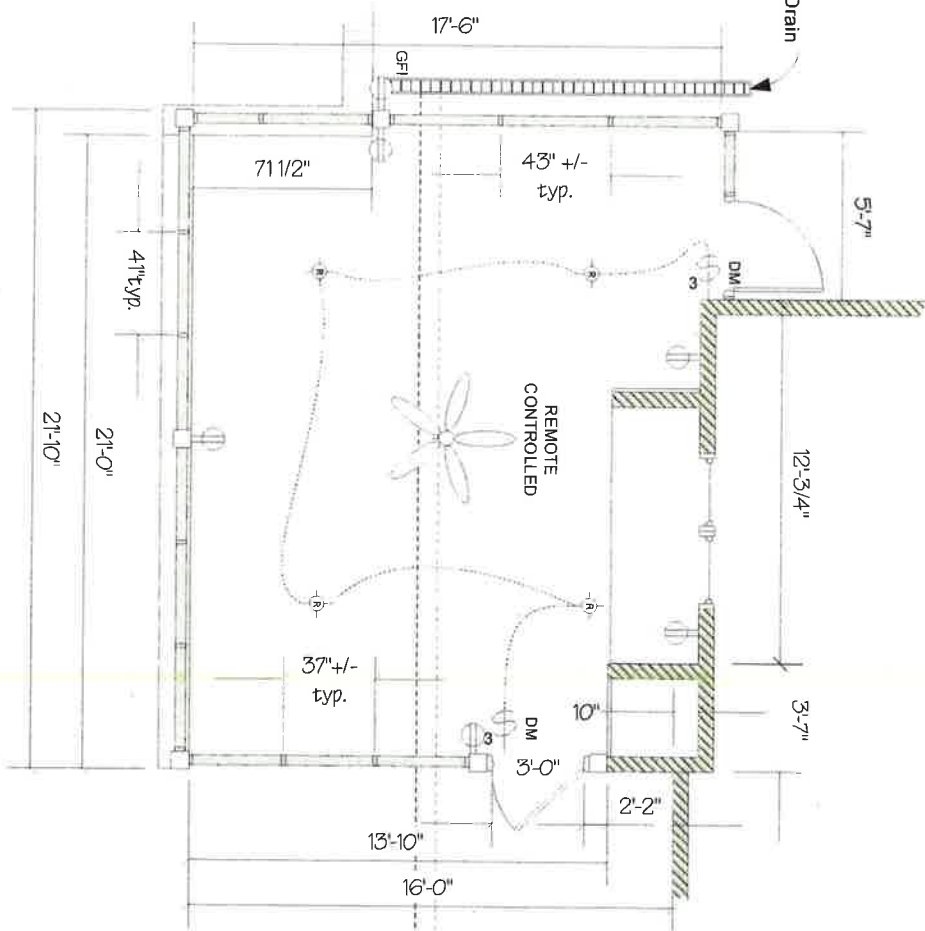


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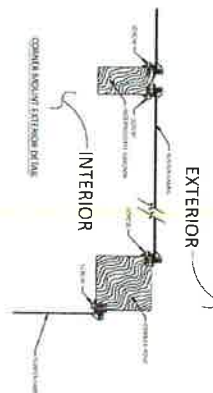
1

## SCREENED PORCH FLOOR PLAN

SCALE: 1/4" = 1'-0"



Insect Screen #2020: "No-See-Ums Screen" is a tightly woven mesh made from fiberglass and designed to control tiny insects. While densely woven, this insect screen still allows good ventilation and visibility. Fabric thickness = 0.016"



PLEMMONS SCREENED PORCH  
1501 Crescent Dr; Kingsport TN

P.O. Box 7148  
Kingsport, TN 37664  
(423) 384-4727

SCALE: 1/4" = 1' 0"

DATE: 28-Jan-19

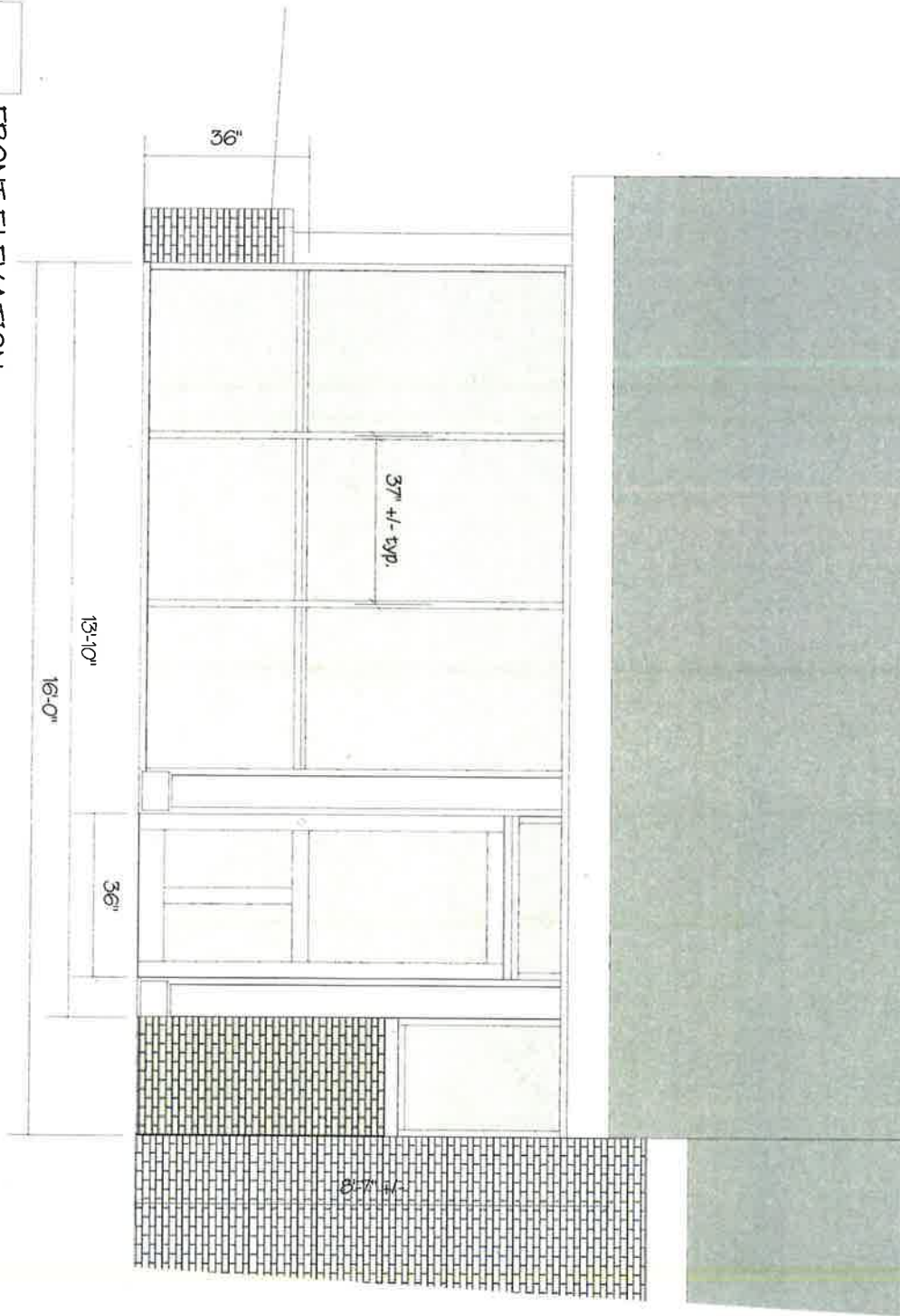


**SOUTHERLAND**  
Construction & Renovation, LLC



2

FRONT ELEVATION  
SCALE: 1/2" = 1'-0"



PLEMMONS SCREENED PORCH  
1501 Crescent Dr; Kingsport TN

P.O. Box 7148  
Kingsport, TN 37664  
(423) 384-4727

SCALE: 1/2" = 1' 0"

DATE: 28-Jan-19

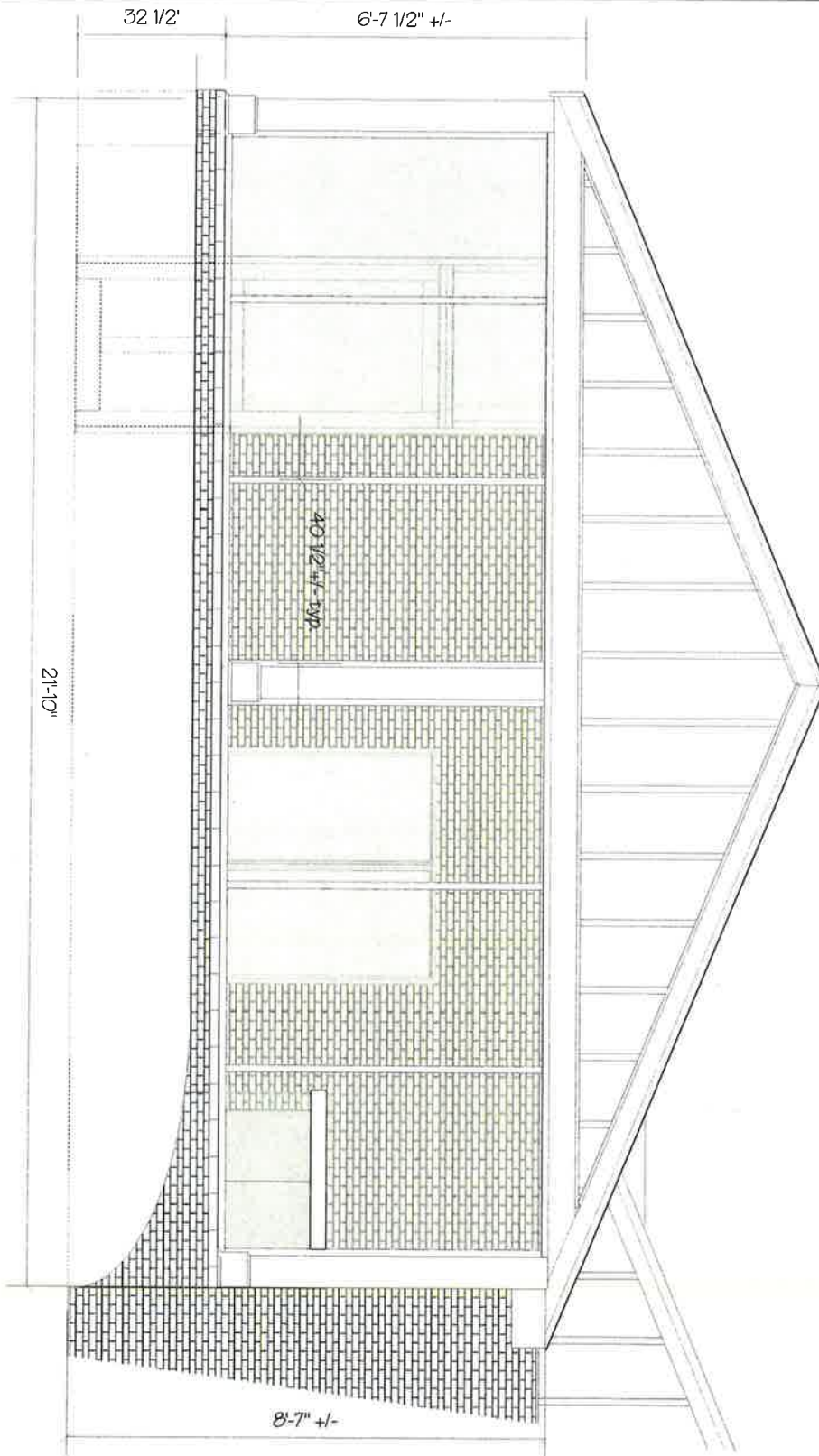


**SOUTHERLAND**  
Construction & Renovation, LLC



3

SIDE ELEVATION  
SCALE: 1/2" = 1'-0"



PLEMMONS SCREENED PORCH  
1501 Crescent Dr; Kingsport TN

P.O. Box 7148  
Kingsport, TN 37664  
(423) 384-4727

SCALE: 1/2" = 1' 0"

DATE: 28-Jan-19



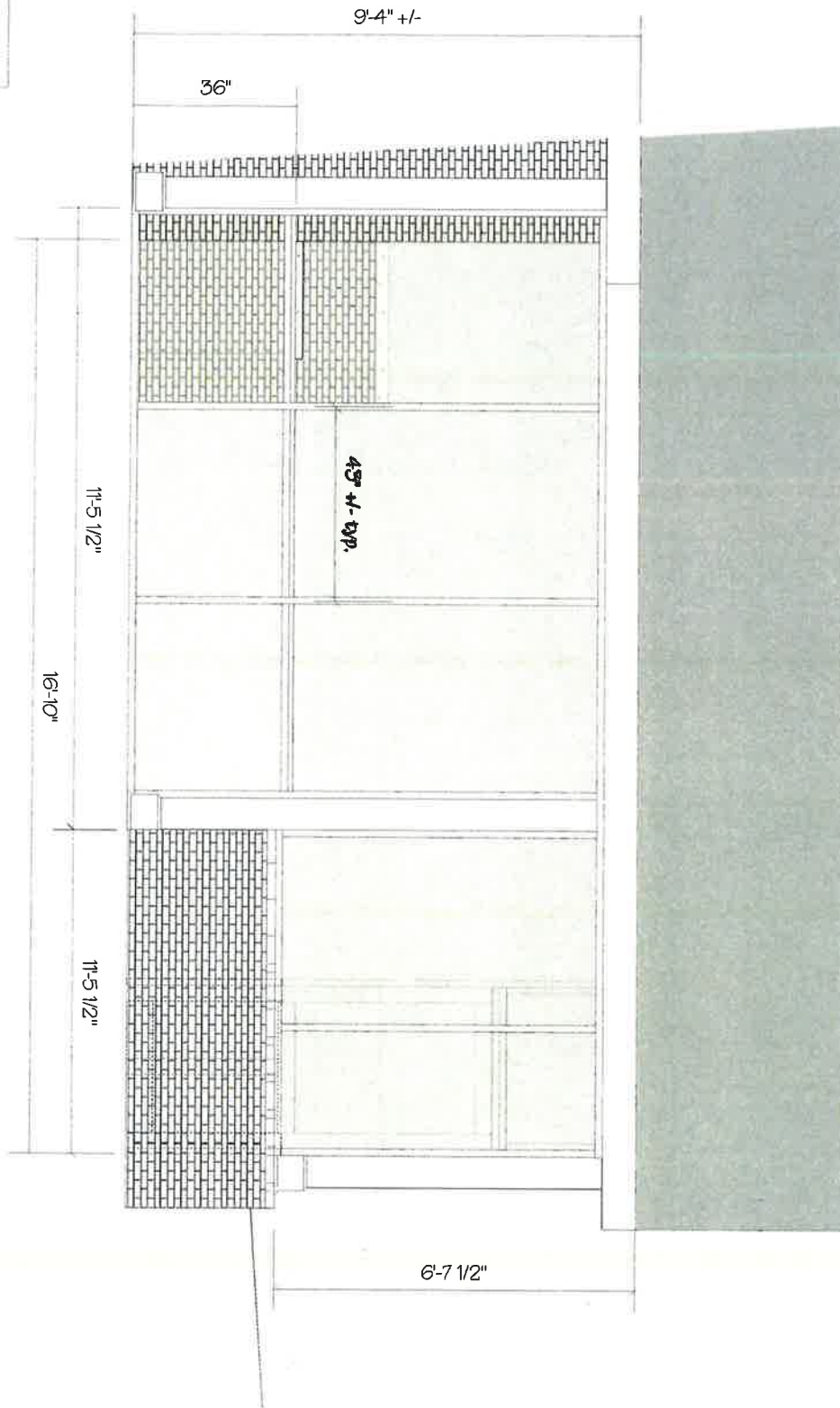
**SOUTHERLAND**  
Construction & Renovation, LLC





4

REAR ELEVATION  
SCALE: 1/2" = 1'-0"



PLEMMONS SCREENED PORCH  
1501 Crescent Dr; Kingsport TN

P.O. Box 7148  
Kingsport, TN 37664  
(423) 384-4727

SCALE: 1/2" = 1' 0"

DATE: 28-Jan-19

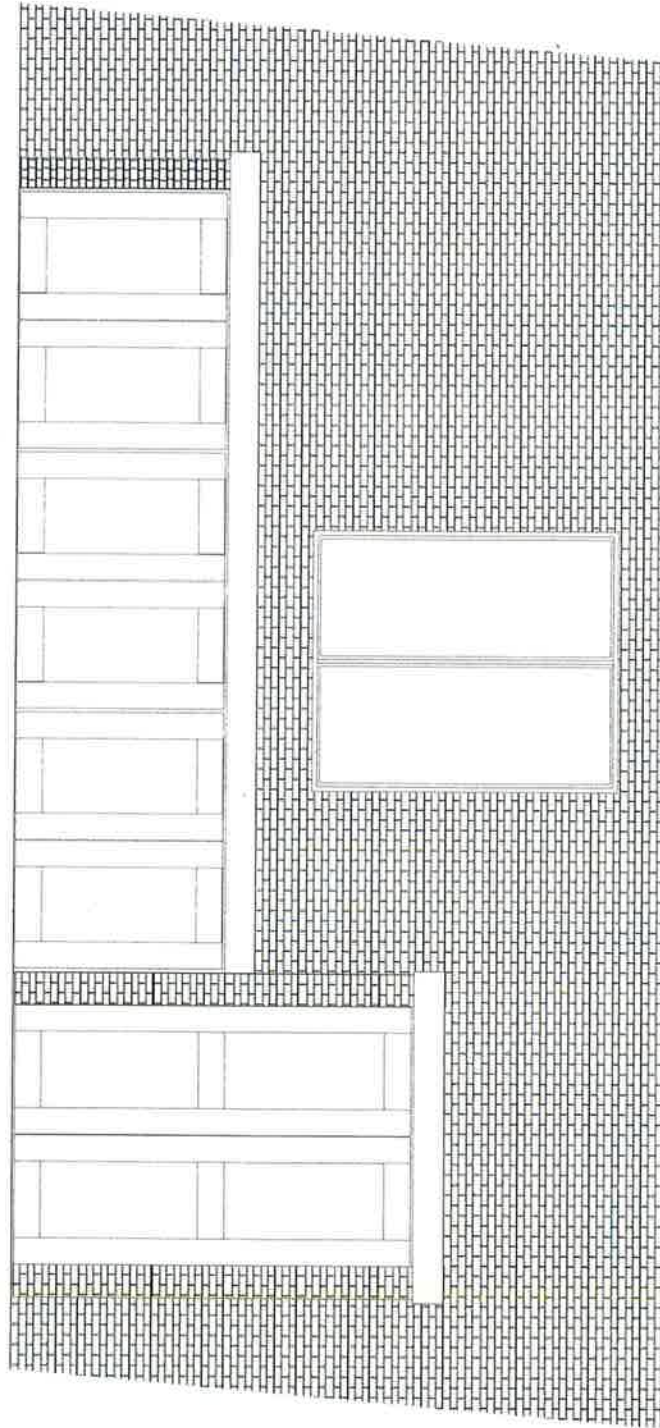


**SOUTHERLAND**  
Construction & Renovation, LLC



5

STORAGE DOORS  
SCALE: 3/4" = 1'-0"



PLEMMONS SCREENED PORCH  
1501 Crescent Dr; Kingsport TN

P.O. Box 7148  
Kingsport, TN 37664  
(423) 384-4727

SCALE: 3/4" = 1' 0"

DATE: 28-Jan-19



**SOUTHERLAND**  
Construction & Renovation, LLC



## Variance Worksheet – Finding of Facts

*Variances.* Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

*The retaining wall is approximately 4'2" off the property line. Given a code required setback of 10', we are requesting a 5'10" variance. The east wall of the proposed screened porch will be constructed on that retaining wall. The proposed screen porch does not impair the access to the rear of the property nor does it create a substantial detriment to the public good.*

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

*There is an existing brick retaining wall less than the required 10' set back on the side of the property. We propose to build the end wall of the screened porch off of this brick retaining wall. Also, there is an existing concrete slab between the brick retaining wall and the house. Both the retaining wall and slab have been in existence for many years and possibly since initial construction of the house.*

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

*These existing conditions appear to have been existing since construction of the house due to the style, color, and age of the existing brick retaining wall and concrete pad.*



d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

*The proposed screened porch will not harm in any way the public safety and welfare. It shall be constructed in the same style and of such appearance as to not stand out or appear obtrusive from the street. It shall match the existing architectural details, roof lines, etc. Also, it will set back considerably from the front of the existing house.*

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: 2401 N John B Dennis Hwy

The Board is asked to consider the following request:

**Case: 19-701-00002 – Property located at 2401 N John B Dennis Highway, Control Map 47, Parcel 019.00**, requests a 14 square foot variance to Sec 114-536(2) and a 9 foot height variance to Sec 114-536(3) for a new freestanding sign . The property is zoned R-1B, Residential District.

# ArcGIS Web Map



1/2019 1:22:07 PM

Addresses

Sullivan Co Parcel Data







# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name Christian Life Center M.I. \_\_\_\_\_ Date \_\_\_\_\_  
Street Address 2401 N John B Dennis Hwy Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone (423) 288-2211 E-mail Address office@christianlifecenter.com

## PROPERTY INFORMATION:

Tax Map Information Tax map: \_\_\_\_\_ Group: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_  
Street Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_  
Current Zone \_\_\_\_\_ Proposed Zone \_\_\_\_\_  
Current Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

## REPRESENTATIVE INFORMATION:

Last Name Johnson First Eddie M.I. \_\_\_\_\_ Date 2-13-19  
Street Address 117 Boulder Court Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone (423) 967-5908 E-mail Address director of clc@yahoo.com

## REQUESTED ACTION:

Installation of digital sign. Total sign size 64 sq.ft. Variance of 14 sq.ft. in size. Electronic message board components variance of 7 sq.ft. Variance of 9 ft for sign height.

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Rev. Eddie Johnson Rev. Eddie Johnson Date: 02-13-2019

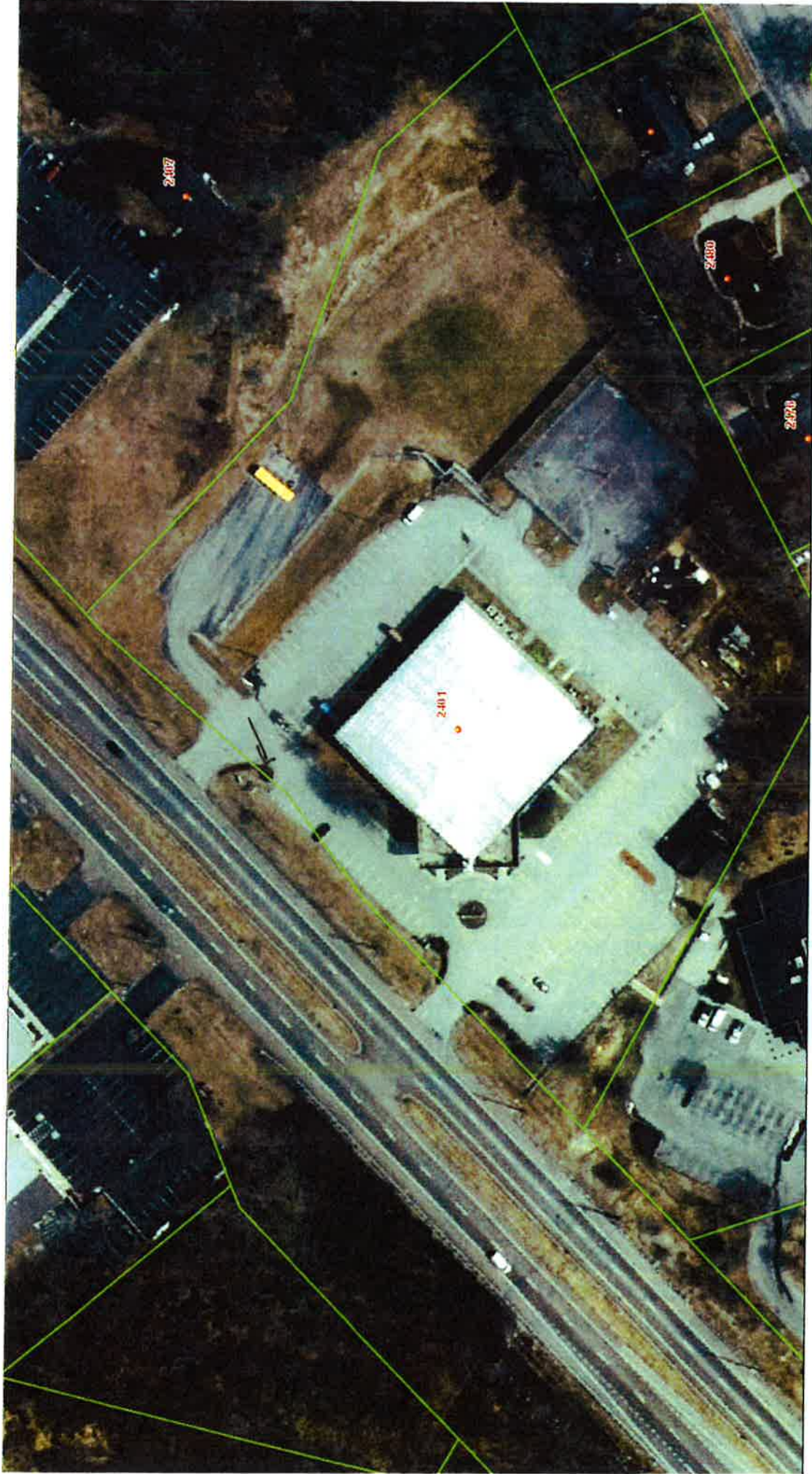
Signed before me on this 13<sup>th</sup> day of February 2019  
a notary public for the State of Tennessee  
County of Sullivan

Notary Alison Katie Fields  
My Commission Expires 5-31-22





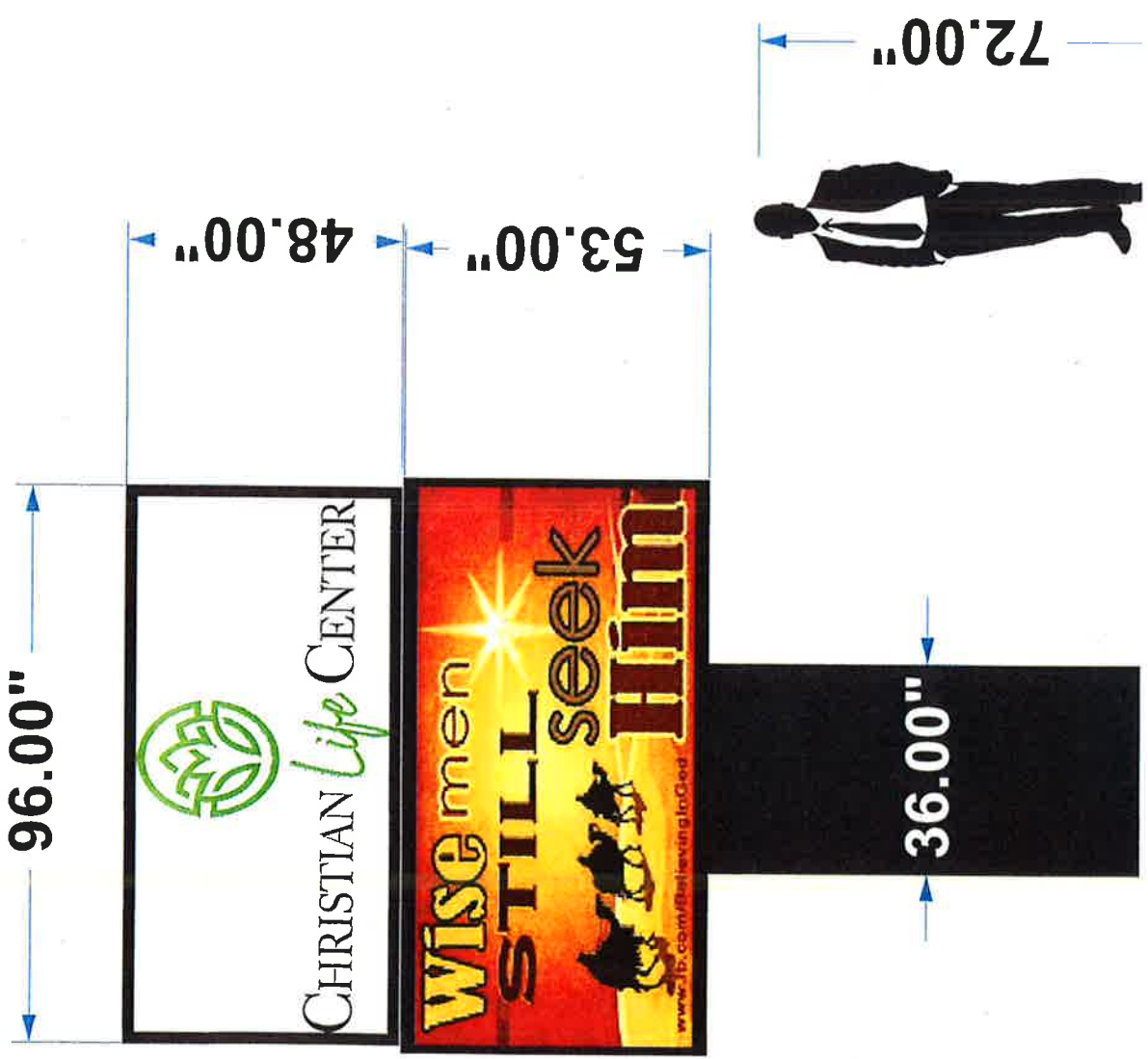
# ArcGIS Web Map



019 10:40:29 AM

Addresses

Culligan Co. Parcel Data





## Variance Worksheet – Finding of Facts

*Variances.* Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

Large amount of road frontage. Large 5 acres property yield itself to increase to a large sign.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

A larger sign will permit more visibility of the church to traffic on John B Dennis.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The facility was constructed prior to the adoption of Kingsport modern day sign zoning code.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

This proposal will be consistant with similar church properties throughtout the city.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: 737 and 741 Forest St.

The Board is asked to consider the following request:

**Case: 19-701-00003 – Property located at 737 and 741 Forest Street, Control Map 46O, Group G, Parcels 065.00 and 066.00**, requests a 1,695 square foot variance and a 186 square foot variance to minimum lot size to Sec 114-183(e)1(a) for the purposes of subdividing the property. The property is zoned R-1B, Residential District.

The above minimum lot size variances are required prior to the approval of the attached subdivision. The request stems from a desire of the property owner to add the existing driveway to the parcel it serves (741 Forest St). Both parcels are owned by the applicant.



# ArcGIS Web Map



1/20/19 11:50:36 PM

Addresses

Sullivan Co Parcel Data

1:1,128





$\frac{d}{dt} = 3.3$ 

**E**nterprises

Environ Biol Fish (2015) 98:1009–1020



TAC

10



**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name Ham First Peggy M.I. R Date 2-13-19  
Street Address 741 Forest Apartment/Unit # ---  
City Kingsport State TN ZIP 37660  
Phone 423-723-7052 E-mail Address ---

**PROPERTY INFORMATION:**

Tax Map Information Tax map: 460 Group: 9 Parcel: 65-66 Lot: ---  
Street Address 741 Forest + 739 Forest St. Apartment/Unit # ---  
Current Zone R-1B Proposed Zone No Change  
Current Use Single family Proposed Use Same

**REPRESENTATIVE INFORMATION:**

Last Name Same as above First --- M.I. --- Date ---  
Street Address --- Apartment/Unit # ---  
City --- State --- ZIP ---  
Phone --- E-mail Address ---

**REQUESTED ACTION:**

Change the shared driveway to 741 only. The way the driveway was laid out, I had to park my van in my back yard and my car in my front yard.  
Two minimum lot size variances of 1,095 and 186 Square feet

**DISCLAIMER AND SIGNATURE**

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Peggy Ham

Date: 2-14-19

Signed before me on this 14th day of February, 2019  
a notary public for the State of Tennessee  
County of Sullivan

Notary Alison Katie Fields  
My Commission Expires 5-31-22





GRID NORTH

LINE	BEARING	DISTANCE
L1	S 54°03'10" E	17.44'
L2	N 50°44'30" W	8.46'
L3	S 30°26'00" W	9.20'
L4	S 53°52'10" W	57.67'
L5	S 55°31'50" E	17.18'

Legend  
IPF denotes 1/2" Rebar Found  
□ denotes 1/2" Rebar Set

- Notes
1. Deed Reference: DB 3309 - PG 206, DB 3278 - PG 2486
  2. TAX MAP: 0460 E 066.00, 0460 E 065.00
  3. PLAT BOOK 4 - PG 438 BLOCK 106
  4. LOT 6: 711 FOREST ST BEFORE LOT SIZE  $\pm 0.14$  ACRES 6422 SQ FT AND AFTER LOT SIZE  $\pm 0.13$  ACRES 5905 SQ FT
  5. LOT 5: 711 FOREST ST BEFORE LOT SIZE  $\pm 0.15$  ACRES 6900 SQ FT AND AFTER LOT SIZE  $\pm 0.16$  ACRES 7344 SQ FT
  6. THE PROPERTY IS ZONED R-18 AND ANY NEW CONSTRUCTION WILL CONFORM TO THE ZONING DISTRICT



<p><b>VICINITY MAP</b> N.T.S.</p>		<p><b>ZONING R-18</b></p> <p>SETBACKS TO CONFORM WITH ALL CURRENT APPLICABLE ZONING RESTRICTIONS</p> <p>PROPERTY IS CURRENTLY ZONED CITY OF KINGSPORT R-1 SETBACKS: 30' FRONT, 4' SIDE, 30' REAR</p> <p><b>FLOOD CERTIFICATION</b></p> <p>THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL ADMINISTRATION FLOOD REVISION BOUNDARY MAPS AND FOUND THAT THE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.</p> <p>FIRM MAP # 4716/06MSD SULLIVAN COUNTY, TENNESSEE, AND INCORPORATED AREAS EFFECTIVE DATE: 09-29-2006</p>		
<p><b>CERTIFICATE OF APPROVAL OF STREET LIGHTING SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE STREET LIGHT SYSTEM DESIGNED BY THE CITY OF KINGSPORT IS IN ACCORDANCE WITH THE CITY OF KINGSPORT'S POLICIES ON BOUNDARY LIGHTING WITHIN THE CITY OF KINGSPORT, AND ANY REQUIRED CHARGES FOR THE PURCHASE AND INSTALLATION HAVE BEEN MET.</p> <p>DATE _____ 20____</p> <p>TRAFFIC ENGINEERING MANAGER _____</p>	<p><b>CERTIFICATE OF APPROVAL FOR 911 ADDRESSING ASSIGNMENT</b></p> <p>I HEREBY CERTIFY THAT THE ADDRESSES, AS NOTED ON THE FINAL PLAT, ARE APPROVED AS ASSIGNED.</p> <p>DATE _____ 20____</p> <p>CITY CLERK, DIVISION OF SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE _____</p>	<p><b>CERTIFICATE OF ACCURACY</b></p> <p>I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE SULLIVAN COUNTY PLANNING COMMISSION AND THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.</p> <p>DATE _____ 20____</p> <p>REGISTERED LAND SURVEYOR _____</p>	<p><b>CERTIFICATE OF THE APPROVAL OF STREETS AND STORM WATER SYSTEMS</b></p> <p>I HEREBY CERTIFY:</p> <ol style="list-style-type: none"><li>1. THAT CONSTRUCTION PLANS HAVE BEEN APPROVED.</li><li>2. THAT STREETS AND STORM WATER SYSTEMS HAVE BEEN INSTALLED IN AN ACCORDANCE WITH THE SPECIFICATIONS.</li><li>3. ADEQUATE LIGHTING OR WAY DRAINAGE SYSTEMS EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED.</li></ol> <p>DATE _____ 20____</p> <p>CITY ENGINEER OR COUNTY ROAD COMMISSIONER _____</p>	<p><b>CERTIFICATE OF APPROVAL OF PUBLIC WATER SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE KINGSPORT WATER UTILITY SYSTEM AND IS HEREBY APPROVED AS SHOWN.</p> <p>DATE _____ 20____</p> <p>AUTHORIZING AGENT _____</p>
<p><b>CERTIFICATE OF APPROVAL FOR RECORDING</b></p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE KINGSPORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS MAY BE GRANTED BY THE PLANNING COMMISSION, AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE SULLIVAN COUNTY REGISTER, IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$1,000.00 HAS BEEN POSTED WITH THE KINGSPORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.</p> <p>DATE _____ 20____</p> <p>KINGSPORT MUNICIPAL REGIONAL PLANNING COMMISSION _____</p>		<p><b>CERTIFICATE OF OWNERSHIP AND REDUCTION</b></p> <p>I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN ON THIS PLAT, AND I HAVE HEREBY APPROVED THIS PLAN OF SUBDIVISION WITH ALL THE NECESSARY CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL PUBLIC OR PRIVATE USE AS NOTED.</p> <p>DATE _____ 20____</p> <p>OWNER _____</p> <p>OWNER _____</p>		
<p><b>CERTIFICATE OF APPROVAL OF SEWERAGE SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT &amp; CONSERVATION, AND IS HEREBY APPROVED AS SHOWN.</p> <p>DATE _____ 20____</p> <p>TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION _____</p> <p>(04)</p> <p>KINGSPORT AUTHORIZING AGENT _____</p>				
<p><b>CERTIFICATE OF APPROVAL OF SEWERAGE SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT &amp; CONSERVATION, AND IS HEREBY APPROVED AS SHOWN.</p> <p>DATE _____ 20____</p> <p>TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION _____</p> <p>(04)</p> <p>KINGSPORT AUTHORIZING AGENT _____</p>				
<p><b>BOUNDARY IS BASED ON A CURRENT FIELD SURVEY</b></p> <p><b>REPLAT OF LOTS 5 &amp; 6, BLOCK 106, CITY OF KINGSPORT</b></p> <p>Date: 01-29-2019 File: HAM.DWG Drawn By: CAG</p> <p>Scale: 1" = 50'</p> <p>11th Civil District Sullivan County, TN</p> <p>Culbertson Surveying P.O. Box 190, Nickelsville VA 24271 (276) 479-3093</p> <p>Drawing Number 6821</p>				

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: 1757 Buckingham Ct

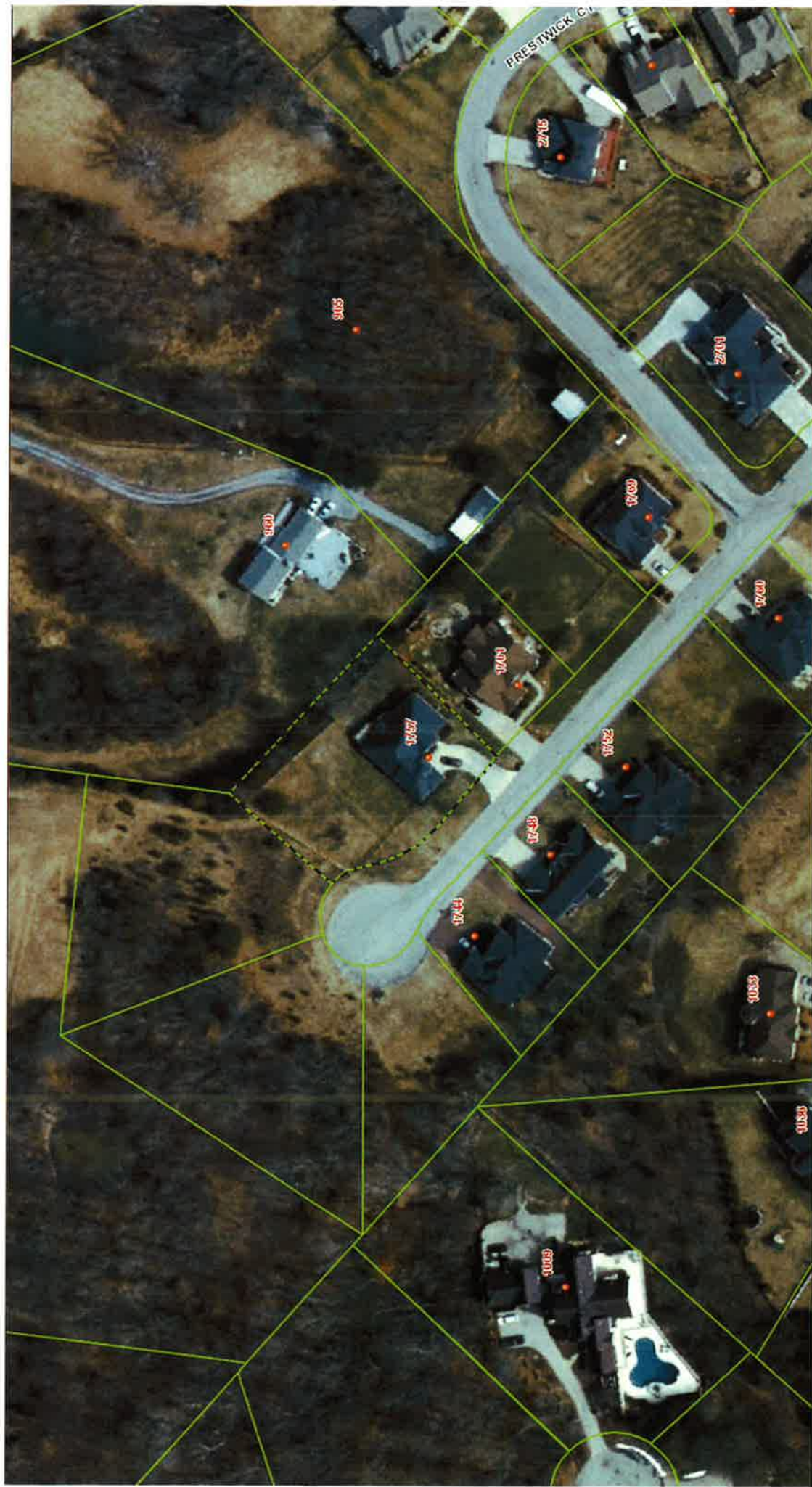
The Board is asked to consider the following request:

**Case: 19-701-00004 – Property located at 1757 Buckingham Court, Control Map 47G, Group E, Parcel 026.00**, requests a 16 foot side yard variance to Sec 114-133(2) for the purpose of locating a swimming pool. The property is zoned R-1B, Residential District.

The applicant is requesting to construct a pool that will be partially located in the side yard of the property. The amount of variance is equal to the side yard penetration of the pool and associated structure.



# ArcGIS Web Map

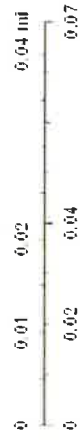


1/2019 1:37:10 PM

• Addresses

■ Sullivan Co Parcel Data

1:1, 1:25







# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name Moon First Leah M.I. N Date 2/19/19  
Street Address 175M Buckingham Ct. Apartment/Unit #  
City Kingsport State TN ZIP 37660  
Phone 423-202-1809 (cell) E-mail Address Lnmooon@yahoo.com

## PROPERTY INFORMATION:

Tax Map Information Tax map: 476 Group: E Parcel: 26.00 Lot: 6M R  
Street Address 175M Buckingham Ct. Apartment/Unit #  
Current Zone R-1B Proposed Zone R-1B  
Current Use R-1B Proposed Use R-1B

## REPRESENTATIVE INFORMATION:

Last Name Haynie First Josh M.I. C Date 2/19/19  
Street Address 105 Regency Dr. Apartment/Unit #  
City Kingsport State TN ZIP 37663  
Phone 423-677-2699 E-mail Address Josh.haynie@yahoo.com

## REQUESTED ACTION:

Obtain variance for swimming pool on back left of house in side yard.

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

Leah Nicole Moon

Date:

2/20/19

Signed before me on this 20th day of February, 2019,  
a notary public for the State of Tennessee  
County of Sullivan

Notary

Dani R Moreland

My Commission Expires

December 5, 2020



## Variance Worksheet – Finding of Facts

**Variances.** Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

Limited on space in backyard due to  
back deck being too close to pool

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

Backyard has a drop off to property line  
Pool would be too close to the deck  
Limit patio area around pool.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The backyard has a steep slope down  
to property line.



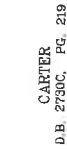
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

The pools elevation will be 3 1/2' lower than side & Front Lawn Area. It will be ~~landscaped~~ landscaped for privacy on the street side with Fence around entire side lawn.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.



LEGEND	
IR(N)	IRON ROD, NEW
IR(O)	IRON ROD, OLD
IR(C)	IRON ROD, CAP
D.B	DEED BOOK
P.B	PLAT BOOK
PC	PAGE
AC	ACRES
CONC	CONCRETE
123	911 ADDRESS
N.T.S	NOT TO SCALE

Slide A-1070

15007379	BATCH: 960335
1 POS:AL-PLAT	PLAT BOOK: P55
	PAGE: 58-56
REG FEE	16.00
OP FEE	2.00
ARC FEE	0.00
TOTAL	17.00
STATE OF TENNESSEE - BULLMAN COUNTY	
SHEENA R TINSLEY	
RECEIVED 10/12/11	



AFTER

- 1) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA
- 2) PROPERTY IS CURRENTLY ZONED CITY OF KINGSFORD R-18 SETBACKS:  

FRONT	30'
REAR	30'
SIDE	30'
- 3) THERE SHALL BE A 7.5' UTILITY AND DRAINAGE EASEMENT ALONG ALL INTERIOR LOT LINES AND PROPERTY LINES.
- 4) IRON PINS ON ALL CORNERS & BREAKS.

NOTES:

- 1) NORTH BASED ON PRIOR PLAT BY CARTER, CARR ASSOCIATES DATED JANUARY 27, 2004.
- 2) PROPERTY IS ZONED R-1B  
SETBACKS:

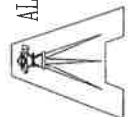
3) THERE SHALL BE A 7.5' UTILITY AND DRAINAGE EASEMENT ALONG ALL INTERIOR LOT LINES AND PROPERTY LINES.

4) IRON PINS ON ALL CORNERS & BREAKS.

SIDE 8'

- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION SIDE 8"
- 4) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL BUREAU OF SURVEY ADMINISTRATION BOUNDARY MAP 471630-00650 EFFECTIVE DATE 05/28/2013 AND AM ADVISING YOU THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN.
- 5) JOB NO. 15-1-10014
- 6) ACAD FILE: 15-1-10014 MOON DWG
- 7) FIELD INFORMATION ELECTRONICALLY DATA COLLECTED.
- 8) TAX MAP 47C "E" PARCEL 26.00
- 9) PRIOR PLAT REFERENCE: P.B. 51 PAGE 569
- 10) DEED REFERENCE: D.B. 3130 PG. 1869

THERE SHALL BE A 7.5' UTILITY AND DRAINAGE EASEMENT ALONG ALL INTERIOR LOT LINES AND PROPERTY LINES.



ALLEY & ASSOCIATES, INC.

[illegible]

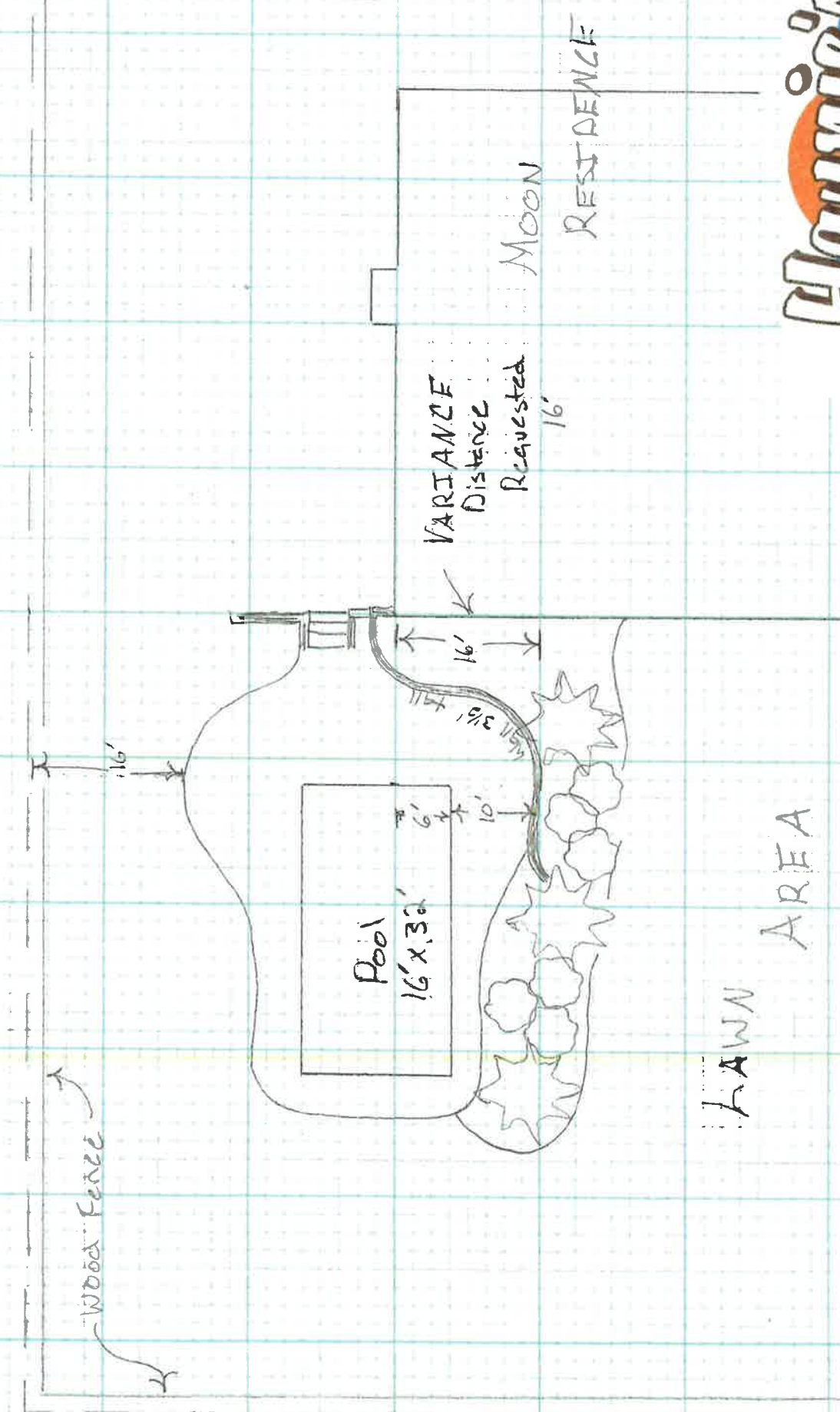
RESUBDIVISION OF PRESTON FOREST SUBDIVISION,  
SECTION 16, LOTS 66 & 67

**KINGSPORT REGIONAL PLANNING COMMISSION**

TOTAL ACRES	.067 AC.	TOTAL LOTS	1
ACRES NEW ROAD	0	MILES NEW ROAD	0
OWNER	LEAH NICOLE MOON	CIVIL DISTRICT	10TH
SUBDIVISOR	ALLIK & ASSOCIATES, INC.	CLOSURE ERROR	1/10000

SCALE 1"=40'

**MS-096**



□ = 2'



## MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: 4335 Fort Henry Dr

The Board is asked to consider the following request:

**Case: 19-701-00005 – Property located at 4345 Fort Henry Drive, Control Map 92K, Group A, Parcels 001.00 and 001.04**, requests a 37.5 square foot freestanding sign variance to Sec 114-194(8)a(1); a variance to permit two freestanding signs on one parcel via parcel combination to Sec 114-194(8)a; and a continuation of a nonconforming freestanding sign to Sec 114-531(b). The property is zoned B-3, Highway Oriented Business District.

The proposed changes are prompted by a want to gain fuel pricing on freestanding signs for the new gas station being constructed on the property. The 37.5 square foot increase for the existing brick freestanding sign will bring the total square footage to 137.5 sq ft. Additionally, the applicant wants to add fuel pricing to the existing non-conforming pylon sign that is not currently located on the parcel that will contain the completed gas station. Subsequently, both approval for two freestanding signs on one parcel and an approval for continuation of a non-conforming sign are required for the parcel containing the taller pylon sign to be combined with the parcel that will contain the gas station. The combination of the two parcels via subdivision plat is contingent upon BZA approval of the two variances (continuation of a non-conforming sing and approval for two freestanding signs) associated with the proposal.

# ArcGIS Web Map



1/20/19 11:43:52 PM

Addresses

Sullivan Co Parcel Data









**APPLICATION**

Board of Zoning Appeals

Kingsport

**APPLICANT INFORMATION:** Ingles Markets, Inc.

Last Name Thompson

First Mary

M.I. L.

Date 10-25-2018

Street Address 2913 Hwy 70 West

Apartment/Unit #

City Black Mountain

State NC

ZIP 28711

Phone 828-669-2941

E-mail Address mthompson@ingles-markets.com

**PROPERTY INFORMATION:**

Tax Map Information

Tax map:

Group:

Parcel:

Lot:

Street Address

4345 FOLT HENRY

Apartment/Unit #

Current Zone

Proposed Zone

Current Use

COMMERCIAL

Proposed Use

**REPRESENTATIVE INFORMATION:**

RAINBOW SIGNS, INC.

Last Name

Ivabine

First

CRAIG

M.I. A

Date 10/23/18

Street Address

1306 E OLIVE ST

Apartment/Unit #

City

GREENWOOD

State

SC

ZIP 29648

Phone

843-749-2885

E-mail Address

CRAIGIVABINE#@gmail.com

**REQUESTED ACTION:**

UPGRADE CURRENT PLANT TO ADD FUEL PRICING

**DISCLAIMER AND SIGNATURE**

- By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

Mary Thompson

Date: 10-25-2018

Signed before me on this 25<sup>th</sup> day of October 2018

a notary public for the State of North Carolina

County of McDowell

Notary

Rhonda E Moore

My Commission Expires

2-2-22

CITY PLANNING OFFICE



Ingle's #72- 4345 Fort Henry Drive- Board of Zoning Variance request for pylons.

Please see below request for variance for upgrading present pylons. Please note in order to grant variance it may be necessary to combine the present two parcels into one so we will not be requesting off premise signage for fuel pricing to be on original pole pylon.

Presently site has the original pole pylon, which presently has 142 feet of signage and the 2<sup>nd</sup> newer brick Ingle's pylon which presently has 101.70 square feet of signage for a total of 243.70 square feet of signage.

Ingle's is requesting a variance to add fuel pricing to the original pole pylon by removing reader board and installing fuel pricing for the I Gas Express fuel center which will reduce square footage to 140.82 of signage. They are requesting to add Fuel pricing box to Ingle's brick pylon by removing brick below present reader board and add 35 feet of fuel pricing signage to this pylon. This would increase total square footage of signage to 137.50 square feet of signage on this pylon.

The present ordinance would allow Ingle's to presently add a third pylon of up to 100 square feet of signage. If this, was the plan pylon total signage square footage including present pylon signage would be 343.70 square feet. Ingle's is proposing a total of 278.44 square feet of signage and with one less pylon will have less signage clutter.

## Variance Worksheet - Finding of Facts

**Variances.** Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The way property is presently divided applicant will be forced to add additional pylon which will add to signage on road front.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The strict application of this chapter deprives applicant of being able to keep additional green space on property.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

Applicant is requesting Board's support of proposed relief of this chapter due to layout of property they feel their request better serves community.



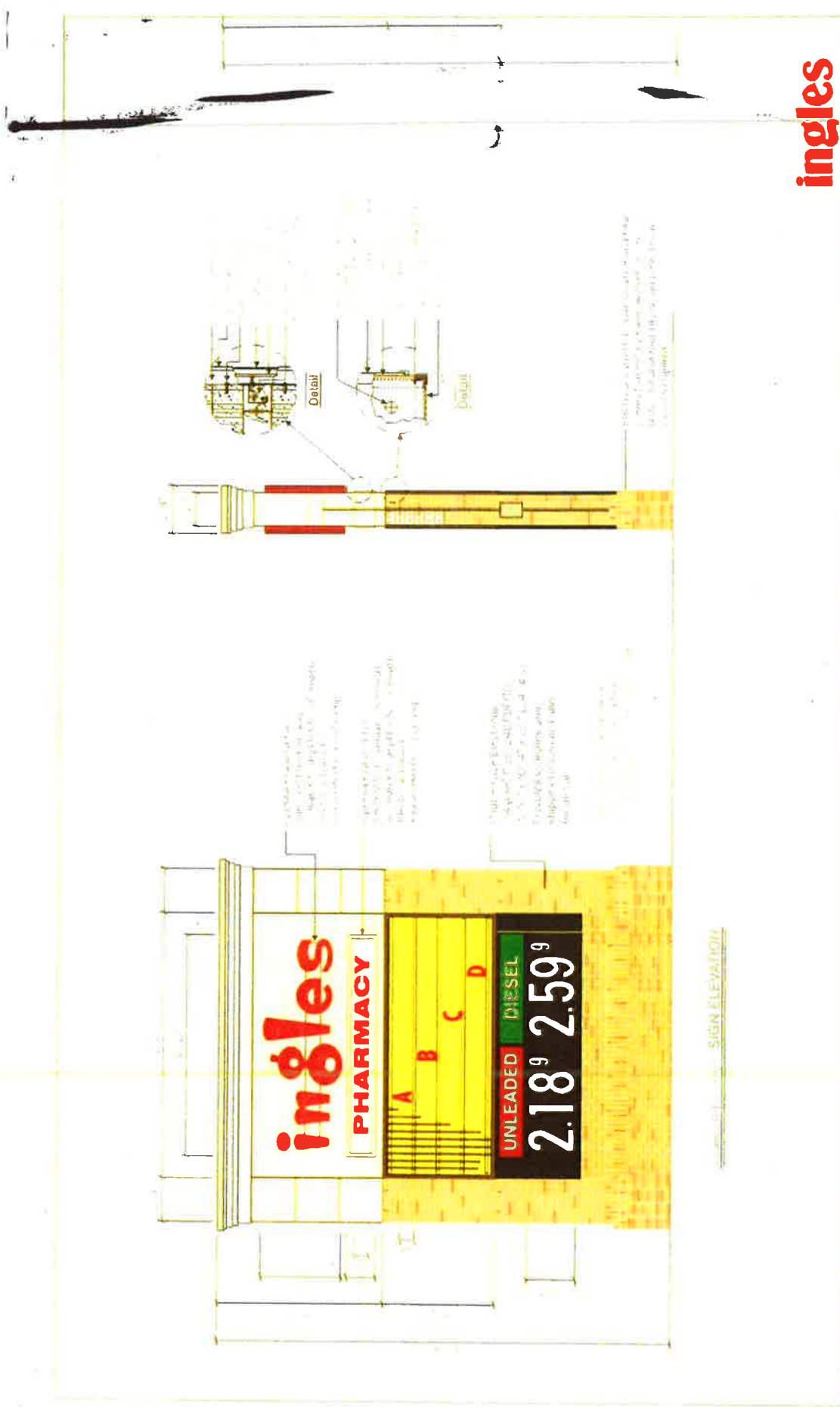
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

*The Applicant's proposal adds to public safety and welfare as well as adds to the character of neighborhood by reducing number of pylons and overall signage square footage.*

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

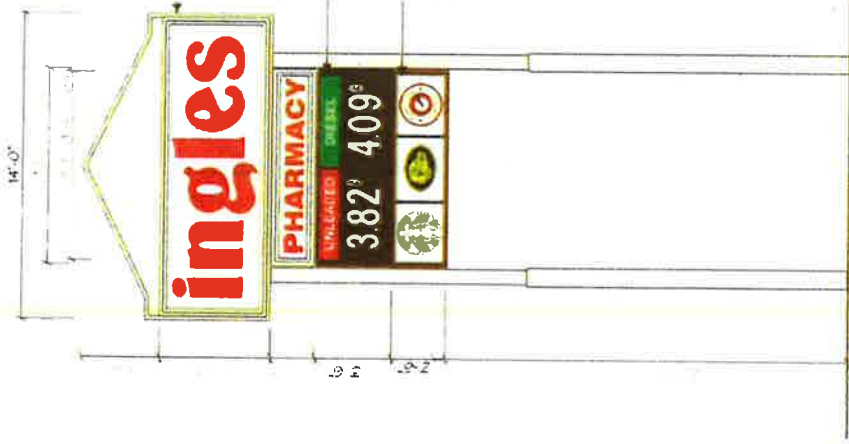
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.



**ingles**

<b>Rainbow Signs, Inc.</b> GREENWOOD, SC 864-223-8423		CUSTOMER NAME <b>INGLES #72 - KINGSPORT, TN</b>		DATE <b>18-237-2</b>	APPROVED BY CUSTOMER
ADDRESS <b>4345 Ft. Henry Drive</b>		DESIGNER	SCALE <b>AS NOTED</b>	DATE	FULL # 12 Kingsport, Tenn. 37602
SIGN TYPE <b>Starbucks, Boar's Head, Chopsticks</b>		COPY RIGHTS NOTICE This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Co.			



3 Dial 2.5" x 9" of interia illuminates sign cabinet with translucent white acrylic faces with print & vinyl graphics on face surface.

**SIGN SQUARE FOOTAGE:**

ingles.....5'-0" x 14'-0"	= 70.00 sf
Pharmacy.....2'-0" x 8'-0"	= 16.00 sf
Skyline.....3'-6" x 8'-8"	= 30.31 sf
3-Dial.....2'-6" x 9'-0"	= 22.50 sf
<b>Total</b>	<b>= 140.81</b>

Scale: 3/16" = 1'-0" SIGN ELEVATION

**ingles**

**Rainbow Signs, Inc.**  
GREENWOOD, SC 864-223-8423

CUSTOMER NAME: **INGLES #72 - KINGSFORT, TN**  
ADDRESS: **4345 FL Henry Drive**  
SIGN TYPE: **Hi-Rise Existing Pylon Sign**

ACC. EXEC. ☒ Print DESIGNER ☒ Signer SCALE AS NOTED  
JOB NO **18-254-4** DATE **08/04/2018** FILE **#72 Kingsport 3 Dial Tall Pylon-4**

APPROVED BY CUSTOMER:  
COPY RIGHTS NOTICE: This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.



**ROBERTSON LOIA ROOF ARCHITECTS & ENGINEERS**  
 3460 Preston Ridge Road, Suite 276, Atlanta, Georgia 30005  
 770-474-9600 Fax 478-319-0215

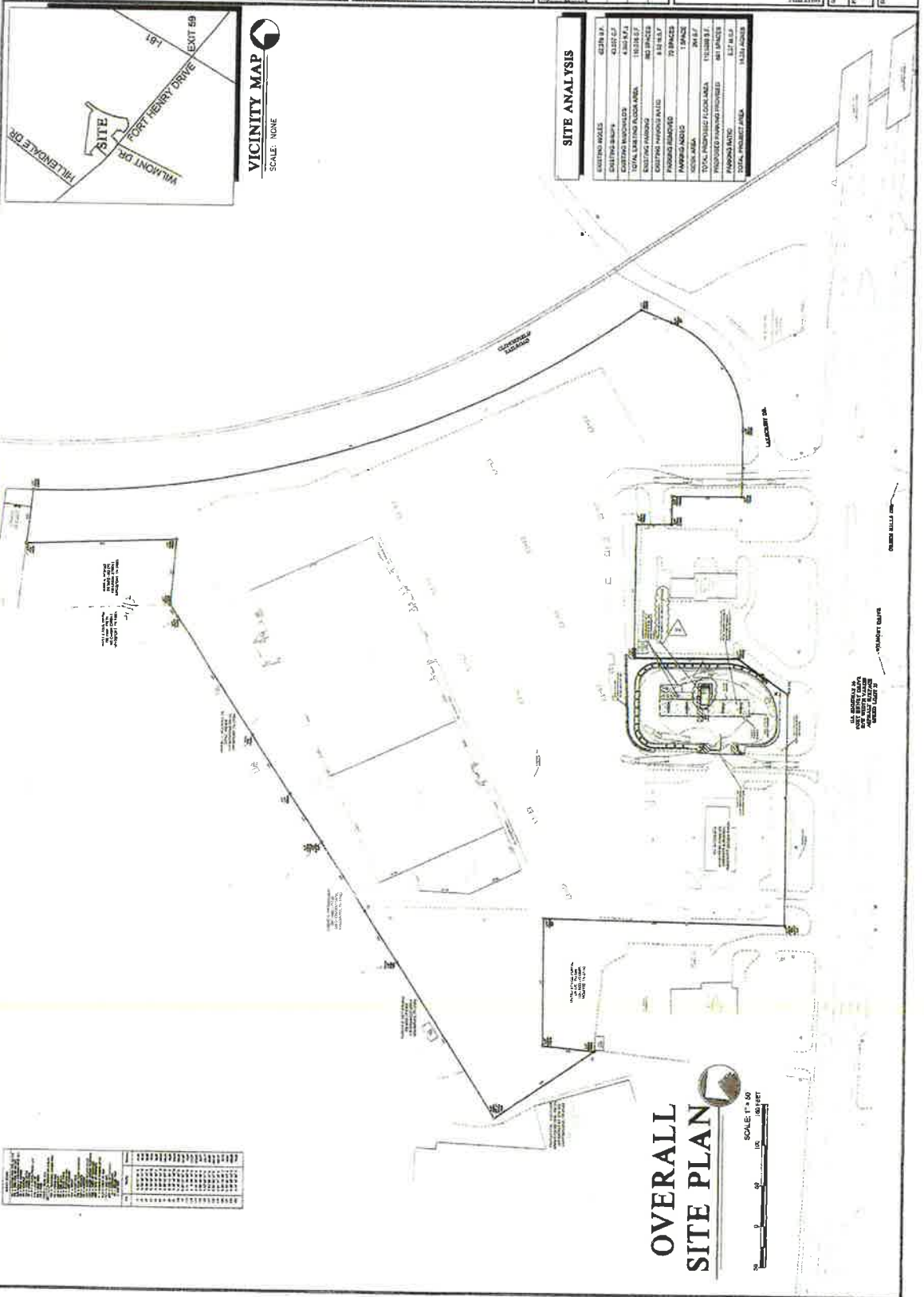


**INGLES STORE #22 - FUEL CENTER**  
 4355 FORT HENRY DRIVE, KINGSBORO, TN 37663  
 NORTH DISTRICT, SULLYMAN COUNTY, TENNESSEE

**INGLES**  
 2000 N. W. 10th Ave., Suite 100  
 Fort Lauderdale, FL 33304

**OVERALL SITE PLAN**

DATE: 02-15-17  
 PROJECT NUMBER: 17-103  
 SHEET: C-1.1



**SITE ANALYSIS**

EXISTING AREAS	62,378 S.F.
EXISTING BUILDINGS	4,102 S.F.
EXISTING PAVEMENTS	4,102 S.F.
TOTAL EXISTING PAVED AREA	18,318 S.F.
EXISTING PARKING	18,318 S.F.
EXISTING PARKING SPACES	818 S.P.
PARKING REMOVED	75 SPACES
PARKING ADDED	1 SPACE
NEW AREA	294 S.F.
TOTAL EXISTING FLOOR AREA	11,188 S.F.
PROPOSED FLOOR AREA	11,188 S.F.
PARKING RATIO	8.17 S.P./S.F.
TOTAL PROJECT AREA	14,312 S.F.

**VICINITY MAP**  
 SCALE: NONE



**OVERALL SITE PLAN**



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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**MINUTES OF THE DRIVING TOUR OF THE  
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

**January 3, 2019**

10:30 a.m.

Members Present:

Bill Sumner  
Jeff Little  
Joe White

Members Absent:

Ashok Gala  
Calvin Clifton

Staff Present:

Ken Weems, AICP

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At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 108 Jack White Drive and 2101 Fort Henry Drive. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### January 3, 2019, Regular Meeting

Noon

Bob Clear Conference Room, 1<sup>st</sup> floor of the Development Services Building

Members Present:

Bill Sumner

Jeff Little

Ashok Gala

Joe White

Members Absent:

Calvin Clifton

Staff Present:

Ken Weems, AICP

Page Jeffers

Visitors:

Rob Johnson

Greg Hall

Billy Flanery

Jamie Mason

Gil Walden

---

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Gil Walden, Rob Johnson, and Jamie Mason were sworn in.

### Public Hearing:

**Case: 18-701-00026 – Property located at 108 Jack White Drive, Control Map 47L, Group A, Parcel 019.50**, requests a 48 square foot freestanding sign variance to Sec 114-533(8)a(2). The property is zoned B-3, Highway Oriented Business District.

Mr. Gil Walden presented the case to the Board. Mr. Walden stated that the proposed increase in freestanding sign size was necessary to attract attention for the multitenant center from Eastman Road. Next, Mr. Jamie Mason, spoke. Mr. Mason stated that signage for the parcel is key and that the proposal would allow him enough space to appropriately advertise his tenants. Mr. Mason noted that his parcel has frontage on Eastman Road, but that his building is being constructed behind the businesses that front Eastman Road.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

**Case: 18-701-00027 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00**, requests three total wall sign variances consisting of 10 square feet, 20 square feet, and 50 square feet to Sec 114-533(9)c. The property is zoned B-4P, Planned Shopping Center District.

Mr. Rob Johnson presented the case to the Board. Mr. Johnson noted that the proposal is similar to one that has been done at a mall in Augusta, GA with excellent results. Mr. Johnson

stated that since the Sears building has been razed, the blank wall left behind is being beautified and in need of signage visible from Fort Henry Drive. Mr. Johnson noted that the wall of the mall in question is a minimum of 500 feet from Fort Henry Drive now that Sears is no longer there.

Chairman Sumner, seeing no one wishing to speak, closed the public hearing.

**Case: 18-701-00028 – Property located at 4335 Fort Henry Drive, Control Map 92K, Group A, Parcels 001.00 and 001.04,** requests a 37.5 square foot freestanding sign size variance and an 82.5 square foot freestanding sign size variance to Sec. 114-533(8)a(2). The properties are zoned B-3, Highway Oriented Business District.

Mr. Weems notified the Board that the representative for this item requested that the application be withdrawn from the agenda. Mr. Weems further stated that the representative plans to further analyze the proposal prior to asking for a variance. Chairman Sumner stated that the case would be dismissed due to the applicant's request to have it withdrawn from the agenda.

Next, Chairman Sumner called for approval of the December 6, 2018 driving tour and regular meeting minutes. On a motion by Mr. Little, seconded by Mr. Gala, the December 6, 2018 driving tour and regular meeting minutes were approved unanimously, 4-0. Next, Chairman Sumner stated that the next application deadline is January 15, 2018 at noon for the February 7, 2019 regular meeting.

#### **Adjudication of Cases:**

**Case: 18-701-00026 – Property located at 108 Jack White Drive, Control Map 47L, Group A, Parcel 019.50**

Bill Sumner stated that the proposal is too large for the area and a compromise is necessary. Mr. Gala stated that reduction of one tenant panel would make the proposal more acceptable and provide adequate variance relief to the applicant. The Board collectively agreed that the property didn't have adequate visibility even though it does front on Eastman Road. Chairman Sumner calculated that with one less tenant panel, the sign would be 131.5 square feet in size.

MOTION: made by Mr. Gala, seconded by Mr. Little, to grant a variance of 31.5 square feet to the freestanding sign proposal.

VOTE: 4-0 to approve the request as amended.

**Case: 18-701-00027 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00**

The Board acknowledged the hardship brought by the razing of the Sears portion of the mall.

MOTION: made by Mr. Little, seconded by Mr. Gala, to grant three total wall sign variances consisting of 10 square feet, 20 square feet, and 50 square feet.

VOTE: 4-0 to approve the request.



**Case: 18-701-00028 – Property located at 4335 Fort Henry Drive, Control Map 92K, Group A, Parcels 001.00 and 001.04**

Chairman Sumner dismissed the case due to the applicant wishing to withdraw it from consideration.

With no further business the meeting was adjourned at 12:40 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

**EXCERPT OF BOARD'S DECISION MOTION TO DISMISS**

**KINGSPORT BOARD OF ZONING APPEALS PUBLIC HEARING**  
**LAMAR TEXAS LIMITED PARTNERSHIP D/B/A LAMAR ADVERTISING**  
**KINGSPORT, TENNESSEE 37663**

CITY OF KINGSPORT IMPROVEMENT BUILDING  
201 WEST MARKET STREET  
BOB CLEAR CONFERENCE ROOM  
KINGSPORT, TENNESSEE 37660

DECEMBER 6, 2018

12:00 P.M.



**ORIGINAL**

**BOARD MEMBERS:**

WILLIAM J. SUMNER, CHAIRMAN  
JOE WHITE, BOARD MEMBER  
JEFF LITTLE, BOARD MEMBER  
CALVIN CLIFTON, BOARD MEMBER

**STAFF MEMBERS:**

KEN WEEMS, AICP Zoning Administrator  
KEITH BRUNER, Building Official

**APPEARANCES:**

CRAIG D. JUSTUS, ESQ.  
The Van Winkle Law Firm  
11 North Market Street  
Asheville, North Carolina 28801  
on behalf of Lamar Texas Limited Partnership d/b/a  
Lamar Advertising Tri-Cities Tennessee

J. MICHAEL BILLINGSLEY, ESQ.  
1324 Midland Drive  
Kingsport, Tennessee 37664  
on behalf of the City of Kingsport, TN

JOSEPH E. MAY, ESQ.  
130 West Main Street  
Kingsport, Tennessee 37660  
on behalf of the Zoning Appeals Board

ATTENDING: Ashley Gasbarri

REPORTED BY: Mai-Beth Ketch, CVR-M, CCR  
ASHEVILLE REPORTING SERVICE

(Document CB503B)

INDEX

Excerpt of Board's Decision . . . . . 3

Certificate of Notary Public . . . . . 9



BOARD'S DECISION MOTION TO DISMISS

BY MR. CHAIRMAN:

Case 18-701-00021, Zoning Interpretation,  
Administrative Review. I'm going to read it  
again. "Lamar Texas Limited Partnership doing  
business as Lamar Advertising Tri-Cities  
Tennessee to revoke any and all permits --"  
and so on. Discussion?

BY MR. LITTLE:

I've got a question. Joe, since you're here  
representing us, if you'll step over. Does  
that mean it's been recorded?

BY MR. MAY:

Yes. That's the book and page number.

BY MR. LITTLE:

I thought so. So this only addresses that  
this sign is only going to be demolished? It  
doesn't address anything about a replacement  
sign ever being erected in its stead?

BY MR. MAY:

The document is -- whatever it says is what it  
stands for. It only deals with -- I haven't  
seen this one before, but it just states that  
the landlord, which is the Bowie leasehold  
interest, shall cause the Lamar sign to be

1 removed not later than June 30th, 2011.

2 Unless there's something else in the document.

3 BY MR. LITTLE:

4 I don't think so, because the only other thing  
5 really over here on the first page is a legal  
6 description ---

7 BY MR. CLIFTON:

8 They're basically saying that that billboard  
9 lease was terminated and that the prior tenant  
10 is to remove it, is the way I -- that's what I  
11 ---

12 BY MR. MAY:

13 Well, it appears is in order to do this first  
14 amendment that's one of the conditions of the  
15 amendment.

16 BY MR. CHAIRMAN:

17 Before we go in any further discussion on this  
18 I would -- I think we need to address this  
19 motion to dismiss, because one of the things,  
20 we have -- understand our Board is we have  
21 limited powers. One of them is we can -- we  
22 hear these reviews. But I was questioning  
23 from the start. That's why I asked Mr. Justus  
24 about what was -- what was the standing in  
25 this, because they did not apply for the

1 permit, they did not -- they're basically  
2 concerned citizens, or ---

3 BY MR. CLIFTON:

4 Third party.

5 BY MR. CHAIRMAN:

6 --- third party. Not party to any of this  
7 stuff going on because of those other folks.  
8 And I'm -- and I think that was one of my  
9 questions was should we even consider this,  
10 and I would -- I mean, I would entertain this  
11 motion to dismiss as -- I think we should  
12 probably discuss can we even hear -- or should  
13 we even hear this case, because I don't -- my  
14 reading of this and hearing what I've heard  
15 the City attorney say, and there's been  
16 excellent presentation by everyone, especially  
17 Mr. Justus, I think it's very clear what the  
18 -- what this case is. But I'm not really sure  
19 we can hear it because I don't think that  
20 they're -- they're subject to damage. I don't  
21 think that they really have a standing to be  
22 -- to be -- to even request this review.

23 BY MR. CLIFTON:

24 Well, in the motion it says that the appeals  
25 to the Board of Appeals may be taken by any



1 person aggrieved by any grant or refusal of a  
2 building permit or any other act or decision  
3 of the Building Commission. In this case they  
4 are any person aggrieved.

5 BY MR. CHAIRMAN:

6 However, but if you continue to read it, it  
7 says, "A party must have a standing to appeal  
8 to the Board of Zoning Appeals."

9 BY MR. CLIFTON:

10 Yes, to appeal.

11 BY MR. CHAIRMAN:

12 "To have a standing a party must be able to  
13 show a special interest in the Board's  
14 decision subject to a special entry not common  
15 to the public generally." So to me -- and  
16 this was my question again, because this is  
17 clearly -- I think it's clearly a matter of  
18 competition.

19 BY MR. CLIFTON:

20 That's where I was going. The damages have  
21 not been -- have occurred. The damages have  
22 not yet occurred. They're presumed to occur,  
23 or assumed that they may occur. So I don't  
24 see that the damages are -- there are no  
25 damages.

1 BY MR. CHAIRMAN:

2 I would agree with you there.

3 BY MR. CLIFTON:

4 Or injury.

5 BY MR. CHAIRMAN:

6 Do I hear a motion?

7 BY MR. CLIFTON:

8 I think -- I think this was challenged at some  
9 point, but basically what -- what was  
10 presented from this case says that, "Injuries  
11 that are conjectural, hypothetical, or  
12 predicated upon," and I believe that's where  
13 we're at. They have not yet occurred, so ---

14 BY MR. CHAIRMAN:

15 Is there a motion then?

16 BY MR. CLIFTON:

17 With that I'll make the motion that we dismiss  
18 it from this Board.

19 BY MR. CHAIRMAN:

20 Do I hear a second?

21 BY MR. LITTLE:

22 Second.

23 BY MR. CHAIRMAN:

24 All in favor?

25 BY MR. CLIFTON:

1           Aye.

2       BY MR. LITTLE:

3           Aye.

4       BY MR. CHAIRMAN:

5           Aye.

6       (PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE  
7       CONCLUDED AT APPROXIMATELY 2:19 P.M.)

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CERTIFICATE

I, Mai-Beth Ketch, CVR-M, CCR, Court Reporter and Notary Public, do hereby certify that the foregoing 8 pages are an accurate transcript of the public forum meeting, taken by me and transcribed under my supervision.

I further certify that I am not financially interested in the outcome of this action, a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel.

This is the 26th day of December, 2018.

Mai-Beth Ketch

MAI-BETH KETCH, CVR-M, CCR

Notary Public No.: 19981410006

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

## MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: February 26, 2019

RE: Residential side yard zoning text amendment for pools and garages

The Board of Zoning Appeals endorsed a staff-prepared zoning text amendment that would allow garages and pools in residential side yards during their November 2018 regular meeting. The text amendment was recommended for approval by the Planning Commission during their November 2018 regular meeting. During the January 2019 Board of Mayor and Aldermen work session, the text amendment was removed from regular meeting consideration that was scheduled for January 9, 2019. One Board member felt that it was important to have a conversation (maintain the variance process) for locating such structures in residential side yards. One Board member felt that pools should be kept in rear yards in the absence of a variance. One Board member felt that the proposal was a step back in standards.

Staff is bringing the text amendment back to the Board of Zoning Appeals for further discussion and potential amendment.

<b>Property Information</b>	<b>City-wide</b>		
<b>Address</b>			
<b>Tax Map, Group, Parcel</b>			
<b>Civil District</b>			
<b>Overlay District</b>			
<b>Land Use Designation</b>			
<b>Acres</b>			
<b>Existing Use</b>		<b>Existing Zoning</b>	
<b>Proposed Use</b>		<b>Proposed Zoning</b>	
<b>Owner /Applicant Information</b>			
<b>Name:</b> Kingsport Regional Planning Commission <b>Address:</b> 225 W Center St <b>City:</b> Kingsport <b>State:</b> TN <b>Zip Code:</b> 37660 <b>Email:</b> kenweems@kingsporttn.gov <b>Phone Number:</b> 423.229.9485		<b>Intent:</b> To amend Chapter 114, Section 114-133 of Kingsport's Zoning Code to allow detached garages, carports, and swimming pools in side yards under certain conditions.	
<b>Planning Department Recommendation</b>			
(Approve, Deny, or Defer)			
The Kingsport Planning Division recommends APPROVAL			
<b>Planner:</b>	Ken Weems	<b>Date:</b>	11/1/18
<b>Planning Commission Action</b>		<b>Meeting Date:</b>	11/15/18
<b>Approval:</b>			
<b>Denial:</b>		<b>Reason for Denial:</b>	
<b>Deferred:</b>		<b>Reason for Deferral:</b>	

To amend Chapter 114, Section 114-133 of Kingsport's Zoning Code to allow detached garages, carports, and swimming pools in side yards under certain conditions.



Introduction:

At the request of and with the endorsement of the Kingsport Board of Zoning Appeals (BZA), planning department staff generated changes to the City's accessory structure location ordinance found in the zoning code. With the existing accessory structure ordinance, all detached accessory structures must reside in the rear yard. Deviation from the rear yard, in general, requires BZA approval in the form of a variance. The BZA found that the proposed ordinance change will reduce the overall amount of variances applied for each year while maintaining a level of consistency with neighboring communities.

Presentation:

The proposal allows garages, carports, and swimming pools to reside in the side yard only if they are able to observe the principal structure setbacks. Additionally, if a property owner decides to locate a swimming pool in the side yard, it must be screened from view by a minimum six foot tall opaque fence for complete screening. It is important to note that the City of Bristol, Sullivan County, the City of Johnson City, and Washington County already allow accessory structures to be located in the side yard.

A definition of a swimming pool is also proposed to be added to the zoning text. The definition coincides with the current building code definition for consistency purposes.

Last, the text change proposal clarifies that mobile storage units, e.g., semi-trailers, shipping containers, converted vans, or converted buses, shall not be used as accessory structures for storage or human occupancy on any residential lot.

The language added to the existing ordinance is highlighted in red (below).

*Sec. 114-133. - Accessory building location and height.*

*Under this chapter, the following shall apply to the location and height of accessory buildings:*

- (1) Yards. No accessory building shall be erected in any required court or yard other than a rear yard with exceptions as provided in subsection (3) of this section.*
- (2) Location. Except as provided in subsection (3) of this section, no accessory building shall be erected in any required front or side yard. Accessory residential structures shall be on the same lot as the principal residential structure. The floor area of accessory structures located upon any property zoned for residential use shall not exceed 30 percent of the floor area of the principal structure, or 1,100 square feet, whichever is greater. Lots that are two acres in size or larger may use the following calculation to determine accessory structure size: maximum of two percent of total parcel area but never more than 5,000 square feet. Accessory structures shall not exceed the height of the principal structure or 35 feet, whichever is less. Accessory structures shall be at least three feet from all lot lines and five feet from any other building on the same lot; provided, however, that where two adjoining property owners desire to build a double garage on the property line, one-half of which would be located on each property, they may secure a building permit to construct such garage by submitting written agreements signed by both parties concerned to the building official. The height of both the accessory structure and the principal structure shall be measured according to the provisions outlined in the current*

building code, as set forth in article III of chapter 22. Swimming pools not covered by a permanent roof, tennis courts, pet enclosures not exceeding 100 square feet floor area, and satellite dish antennas shall not be subject to size or height restrictions in this section or included in calculating floor area.

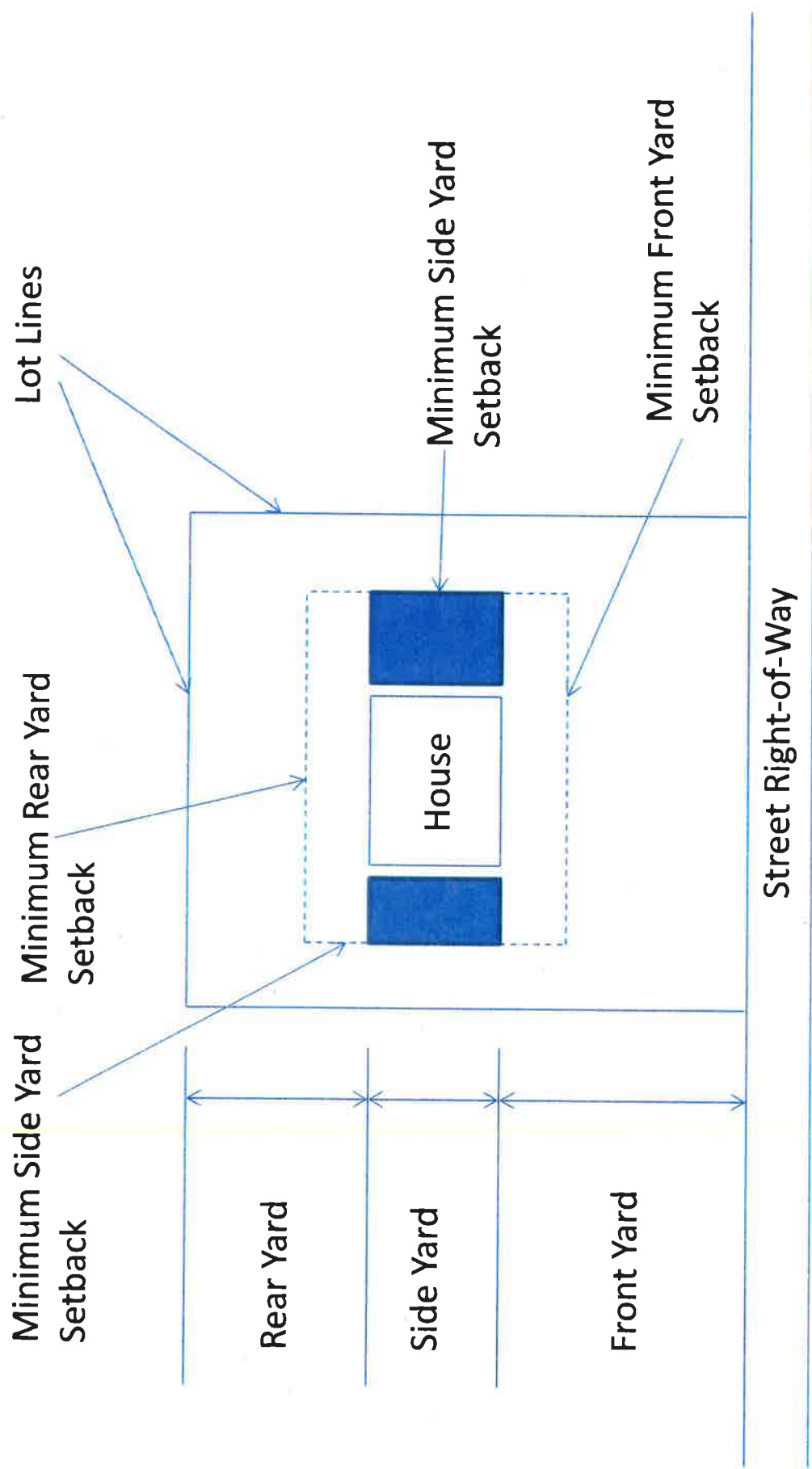
- (3) *Garages, carports, and swimming pools.* Where the average natural grade of a required yard is more than eight feet above or below the established street grade, a private garage *or carport* may be erected within such yard, but not within five feet of any street right-of-way. *Garages and carports may reside in a side yard only if they observe the principal structure minimum yard. Swimming pools may reside in a side yard only if they observe the principal structure minimum yard and are screened from view by an opaque fence with a minimum height of six feet for complete screening.*
- (4) *Prohibited accessory structures . Mobile storage units, e.g., semi-trailers, shipping containers, converted vans, or converted buses, shall not be used as accessory structures in any residential zone.*


*(Code 1981, app. A, art. III, § 4; Code 1998, § 114-139; Ord. No. 5083, § I, 2-4-2003; Ord. No. 6386, § I, 4-1-2014)*

**Add to zoning definitions:**

*Swimming pool means any structure that is intended for swimming or recreational bathing and has capacity to contain water over thirty-six (36") deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools, hot tubs and nonportable spas.*

Residential Yard Requirement Example (Typical)



 = Potential area for detached garage, carport, or pool with a successful text amendment



View of BZA-approved side yard swimming pools with opaque fence buffer installed







BZA-approved and existing garages and carports in side yards (within principal structure setbacks)

